Appl. No.   :   09/690,074
Filed   :   October 16, 2000

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

Claims 27, 29-33, 38, 40, and 42-45 stand rejected under 35 U.S.C. 103 as allegedly being unpatentable over Pitroda in view of Nathans. This contention, however, is respectfully traversed, and it is respectfully suggested that the rejection does not meet the Patent Office's burden of providing a prima facie showing of unpatentability.

Specifically, Pitroda does teach an electronic credit card, and that electronic credit card can store certain information, one item of which can be a fingerprint. The rejection admits on page 3 that Pitroda fails to teach that the user's picture is displayed on the display when a transaction is requested. However, a _signature_ may be displayed when a transaction is requested.

A signature is a very different kind of biometric than a picture. It is not at all obvious to change a signature to a picture.

The rejection cites the reference to Nathans, but Nathans does not teach anything which could be used to modify the teaching in Pitroda. Nathans "counterfeit proof" ID card is one in which the photograph that is on a card is scrambled according to a security code. The original facial image is taken, and scrambled according to this code, see generally column 4. (Nathans refers to a "stripe", but this stripe apparently means only part of the face rather then the entire face itself). The image is then placed

-2-

on the card. Figures 2 and 4 show how this image is printed on the card. This is also confirmed in column 4 lines 44-45, which explains that the scrambled image is printed on the card using a printer. Nowhere is there any teaching or suggestion of storing this image electronically in a memory, as claimed, and displaying the picture in response to a request for transaction. Rather, this system scrambles the image, and requires that the user enter their descramble code. If the proper descramble code is entered, then the image is unscrambled, and the operator can verify by automatically seeing this. Therefore, Nathans is merely a printing of the image on the card itself.

This has all of the disadvantages described in the specification. The photograph on such a credit card can be seen at all times. People often do not like to see their picture because of vanity. Nathans may be even worse, showing a scrambled version of the picture. Another problem is forgery; and in the Nathans system, a forger could easily use a razor blade to remove the scrambled photograph and substitute a new one. Importantly, Nathans displays the user's picture all the time, not just "when a transaction is requested" as defined by claim 27.

Nothing in the cited prior art is in any way suggestive of such a system which stores the picture electronically and "displays the user's picture when a transaction is requested". Assuming that Pitroda could be combined with Nathans, the combination would be a Pitroda type system which used Nathans' teaching of displaying the picture all the time. No fair combination of these references would display a picture "when a transaction is requested" as required by claim 27. Therefore, claim 27 should be allowable along with the claims which depend therefrom.

-3-

Claim 38 defines a credit card housing with circuitry and a memory that stores information about the user's picture and displays the picture on an electronic display in response to a transaction. As described above, Pitroda in view of Nathans would use Nathans' teaching of always displaying the picture, not displaying it "in response to a transaction" as claimed. Therefore, claim 38 should be allowable for these reasons.

Claim 44 specifies using the information indicative of the picture as part of a request for transaction. This is not fairly taught or suggested by the cited references. As discussed above, Nathans just teaches a printed image, not a picture of the user stored in the memory of the credit card used as part of the request for transaction.

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

-4-

Appl. No.   :   09/690,074
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In view of the above amendments and remarks, therefore, all of claim should be in condition for allowance. A formal notice to that effect is respectfully solicited.

Respectfully submitted,

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-5-